

**102 KAR 1:310. Benefit eligibility conditions for members providing part-time and substitute services.**

RELATES TO: KRS 161.470(6), 161.500, 161.520, 161.620, 161.655, 161.661, 161.663

STATUTORY AUTHORITY: KRS 161.310, 161.612

NECESSITY, FUNCTION AND CONFORMITY: KRS 161.310 requires the Board of Trustees of the Kentucky Teachers' Retirement System to promulgate administrative regulations for the administration of the funds of the retirement system and for the transaction of business. KRS 161.612(2) requires the board to adopt eligibility conditions pursuant to which members providing part-time or substitute services may participate in the benefits provided pursuant to KRS 161.520, 161.655, 161.661, and 161.663. This administrative regulation establishes eligibility conditions for members providing part-time or substitute services.

Section 1. A member who provides part-time or substitute teaching services and who has never been an annuitant of the retirement system shall be eligible to apply for disability retirement benefits provided pursuant to KRS 161.661 and 161.663, and his or her beneficiary and any survivor eligible to apply for life insurance benefits provided pursuant to KRS 161.655 and survivor benefits provided pursuant to KRS 161.520, only if the member meets the eligibility conditions established in this section.

(1) The member shall have completed at least sixty-nine (69) percent of a full contract year that would be completed by a member employed on a full-time basis in the same position in order to become eligible to apply for disability retirement, and for his or her beneficiary or any survivor to be eligible to apply for life insurance and survivor benefits. Employment shall be in a position from which contributions were made to Kentucky Teachers' Retirement System.

(2) If the position does not provide for full-time employment, the member shall be required to complete at least sixty-nine (69) percent of the normal school calendar for a certified, full-time teacher in the school district in which the member is employed. Full-time employment shall not require less than the normal school calendar for a certified, full-time teacher in the district in which the member is employed.

(3) The member shall be accredited days by adding his or her total number of hours worked in one (1) fiscal year and dividing that number by the number of hours that are required pursuant to a normal, full-time contract to calculate the number of full-time days. If this calculation results in a fractional number of days, the number shall be rounded down to the next whole number of days.

(4) A member who is employed in more than one (1) school district in the same fiscal year shall be required to complete a number of days at least equal to sixty-nine (69) percent of the school calendar in the district requiring the greatest number of days.

(5) Once the requisite number of days or equivalent days are worked for one (1) fiscal year, the member shall be eligible to apply for disability retirement, and his or her beneficiary and any survivor shall be eligible to apply for life insurance and survivor benefits, through the end of the next fiscal year immediately succeeding the fiscal year in which the eligibility conditions are met.

(6) For a member with less than five (5) years of active service in a position participating in the retirement system, the disabling condition or death shall be the result of a single, traumatic, physical injury directly related to his or her Kentucky Teachers' Retirement System-covered employment in order to be eligible to apply for disability retirement, and for his or her beneficiary or any survivor to be eligible to apply for life insurance and survivor benefits.

(7) A member with less than five (5) years of service credit in Kentucky Teachers' Retirement System, who has service credit in Kentucky Retirement Systems, shall not be eligible to

apply for disability retirement and shall be eligible only for a refund on his or her account pursuant to KRS 161.470(6), unless the member experiences a disabling condition as a result of the conditions required by subsection (6) of this section.

Section 2. A member who is employed part-time in a nonteaching position that requires certification or a four (4) year degree and who has never been an annuitant of the retirement system shall be eligible to apply for disability retirement benefits provided pursuant to KRS 161.661 and 161.663, and his or her beneficiary or any survivor eligible to apply for life insurance benefits provided pursuant to KRS 161.655 and survivor benefits provided pursuant to KRS 161.520, only if the member meets the eligibility conditions established in this section.

(1) The member shall have completed at least sixty-nine (69) percent of the number of days required for full-time employment in the position in order to become eligible to apply for disability retirement, and for his or her beneficiary and any survivor to be eligible to apply for life insurance and survivor benefits. Employment shall be in a position from which contributions were made to Kentucky Teachers' Retirement System.

(2) If the position does not provide for full-time employment, the member shall be required to complete at least sixty-nine (69) percent of a normal full-time contract of 260 days in order to meet the eligibility conditions established in this administrative regulation. Full-time employment shall not require less than 220 working days.

(3) The member shall be accredited days by adding his or her total number of hours worked in one (1) fiscal year and dividing that number by the number of hours that are required pursuant to a typical, full-time contract to extrapolate the number of full-time days. If this calculation results in a fractional number of days, the number shall be rounded down to the next whole number of days.

(4) A member who is employed by more than one (1) employer in the same fiscal year shall be required to complete a number of days at least equivalent to sixty-nine (69) percent of the number days in the full-time position of the employer requiring the greatest number of worked days.

(5) Once the requisite number of days or equivalent days are worked for one (1) fiscal year, the member shall be eligible to apply for disability retirement, and his or her beneficiary or any survivor shall be eligible to apply for life insurance and survivor benefits, through the end of the next fiscal year immediately succeeding the fiscal year in which the eligibility conditions are met.

(6) For a member with less than five (5) years of active service in a position participating in the retirement system, the disabling condition or death shall be the result of a single, traumatic, physical injury directly related to his or her Kentucky Teachers' Retirement System-covered employment in order to be eligible to apply for disability retirement, and for his or her beneficiary or any survivor to be eligible to apply for life insurance and survivor benefits.

(7) A member with less than five (5) years of service credit in Kentucky Teachers' Retirement System, who has service credit in Kentucky Retirement Systems, shall not be eligible to apply for disability retirement benefits and shall be eligible only for a refund of his or her account pursuant to the conditions of KRS 161.470(6), unless the member experiences a disabling condition as a result of the conditions required in subsection (6) of this section. (36 Ky.R. 703; 1010; eff. 11-9-2009; 39 Ky.R. 1282; 1651; eff. 3-8-2013; Crt eff. 7-3-2019.)